



STATE OF INDIANA
ALCOHOL AND TOBACCO COMMISSION

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To: Downtown Indianapolis alcohol beverage retail permit holders
From: Alex D. Huskey, Chairman, Indiana Alcohol and Tobacco Commission
Matt Strittmatter, Superintendent, Indiana State Excise Police
Date: August 11, 2011

Enforcement priorities and scope

This FAQ document is provided by the Indiana Alcohol and Tobacco Commission ("ATC") and the Indiana State Excise Police ("ISEP"). This information is only intended to answer questions from **downtown Indianapolis restaurant operators** and other **downtown Indianapolis alcoholic beverage permit holders**. The scope of the answers to these FAQs is restricted to the **10 days of Super Bowl XLVI-related activities** ("the Super Bowl Period"). The Super Bowl Period covers January 27, 2012 through the early morning hours of February 6, 2012. The scope of the answers to these FAQs is restricted to the area of downtown Indianapolis known as the **Downtown Civic Sponsored Special Event Zone** ("Downtown Zone") as defined by the City of Indianapolis under authority of the Indianapolis City Code.

During the Super Bowl Period, and in the Downtown Zone, ISEP will exclusively focus on enforcing the agency's priorities. The enforcement priorities are:

- Preventing the sale and availability of alcohol to minors
- Preventing the sale and availability of alcohol to intoxicated persons
- Preventing the sale and availability of tobacco to juveniles
- Enforcing other criminal violations underlying those stated priorities.

Additionally, the ISEP Superintendent has also issued pre-event orders to the officers. Those orders state that prior to the Super Bowl Period, officers will conduct inspections on Downtown Zone permit holders to ensure compliance with the following:

- All employees have proper permits and have attended an approved server training
- All permit holders have filed the appropriate Manager's Questionnaires
- All permit holder's amended floor plans are on file with ATC

Frequently Asked Questions

1. What days and hours can my restaurant serve alcohol?

A restaurant that holds an alcoholic beverage retailer permit may sell alcoholic beverages for consumption on-premises beginning at 7 a.m. and continuing until 3 a.m. the following day, prevailing local time. A retailer may sell alcohol for consumption on-premises all seven days of the week. A restaurant with a retail permit that allows the sale of alcoholic beverages for consumption off-premises may also sell those beverages



beginning at 7 a.m. and continuing until 3 a.m. the following day, local prevailing time. Sales of alcoholic beverages for consumption off-premises shall cease entirely from 3:00 a.m. Sunday and shall not resume until 7:00 a.m. Monday.

2. When does alcohol have to be served in its original container?

If the intent of the sale of the alcoholic beverage is consumption on-premises then the beverage need not be in its original container, but may be in any permissible container.

If the intent of the sale of the alcoholic beverage is consumption off-premises then the beverage must be in its commercial container.

3. When can patrons leave my premises (carryout) with an alcoholic beverage?

If the purchase of alcohol was made with the intent to consume on-premises, there is no statute preventing the consumer from taking the alcoholic beverage off of the permit premises in a permissible container.

4. What types of sales are allowed on Super Bowl Sunday?

A retail permit holder **may** sell alcoholic beverages for consumption on-premises from Sunday, February 5, 2012 at 7:00 a.m. to Monday February 6, 2012 at 3:00 a.m., prevailing local time. As stated in FAQ #3, the consumer may take the beverage off-premises in a permissible container.

A retail permit holder **may not** sell alcoholic beverages for consumption off-premises from Sunday, February 5, 2012 at 3:00 a.m. until Monday, February 6, 2012 at 7:00 a.m., prevailing local time.

Note: The above stated rules in FAQ #4 also apply to the first Sunday of the Super Bowl Period, January 29, 2012.

5. What are Indiana's open container laws?

Indiana's state laws generally prohibit the presence of an open container of alcohol in a motor vehicle. For the specific definitions please see *Indiana Code 9-30-15-3* <http://www.in.gov/legislative/ic/code/title9/ar30/ch15.html>. Indiana's state law does not prevent the carrying of open containers of alcohol in public areas (sidewalks, etc). Indianapolis does have an ordinance preventing open containers of alcohol in city-owned parks.

There are, however, numerous criminal violations that are related to alcohol and that can be found with or without the presence of an open container of alcohol (a non-exhaustive list of those violations would include: public intoxication, public nuisance, operating a vehicle while intoxicated, etc.)

6. Am I required to open any containers of alcohol that I sell to a patron?

No.



7. What type of alcohol permits exist?

There are nearly 90 different permit types issued by the ATC.

<http://www.in.gov/atc/2454.htm>

8. What permits are required for my restaurant to sell alcohol?

You must obtain a valid alcoholic beverage permit from the Indiana Alcohol & Tobacco Commission. Please visit <http://www.in.gov/atc/2409.htm> for the appropriate forms to begin the permitting process.

9. What permits are my employees required to hold in order to serve alcohol?

All employees serving and/or dispensing drinks must hold a valid employee permit. Please download the employee permit form at

http://www.in.gov/atc/files/EmployeePermit_3_1-5-10.pdf.

All holders of employee permits must attend an ATC-certified server training session within 120 days of employment. With the high staffing demand of Downtown Zone restaurants before and during the Super Bowl Period the ATC highly recommends that prospective employees sign-up early for the appropriate training classes.

For more information on certified server training programs please visit

<http://www.in.gov/atc/isep/2374.htm>.

As stated above, ISEP officers will check Downtown Zone premises prior to the Super Bowl Period to verify that all employees have valid permits.

10. How can I expand my permit premises to adjacent locations?

Restaurants in the Downtown Civic Sponsored Special Event Zone will be permitted to expand their floor plan with prior approval of the ATC. The expanded floor plan will be **valid only** during the Super Bowl Period and **will expire** at the end of that time frame. After the Super Bowl Period ISEP will use the floor plan **originally submitted** with the permit application in all subsequent inspections.

Retail permit holders in the Downtown Zone should visit the "Super Bowl Information" link at <http://www.in.gov/atc> to learn more about the process for getting an extended floor plan approved.

11. Are alcohol sales permitted on patios? Tented Structures?

Yes, State law permits the sale of alcoholic beverages on patios and in tented structures if they are part of your approved floor plan and are connected to your permit premise.

12. Do temporary permits function as permanent permits the difference being a stated expiration date?

Temporary permits grant the sale of alcoholic beverages only for consumption on-premises. There is no sale of alcoholic beverages for consumption off-premises allowed with a temporary permit. Temporary permits only allow for the sale of beer, wine or beer and wine. You may not sell any liquor or spirituous beverage with a



temporary permit. Please visit <http://www.in.gov/atc/2460.htm> for more information about the requirements for a temporary beer/wine permit.

13. How can I determine what type of permit my restaurant holds?

The easiest way to know what type of permit your business holds is to locate the light blue copy of the permit at your place of business. It will indicate the permit number, permit type and also list any restrictions or endorsements.

a. What type of restaurant permits are permissible in Marion County?

- i. One-way permit (beer) – “104”
- ii. Two-way permit (beer-wine) – “112”
- iii. Three-way permit (beer-wine-liquor) – “210”

b. What is the duration of the permits?

- i. Permits are issued by the commission for one-year or two-year durations at the discretion of the commission.

14. How long does the permitting process take?

The processing of a temporary permit takes approximately 15 days. The processing of a permit for a permanent location takes approximately 90 days.

15. What is the deadline for each permit applications?

ATC has not established a definitive deadline for temporary permits or new permanent permits. The ATC recommends that prospective permittees begin the temporary permit request by at least January 5, 2012 and begin the permanent permit request by at least October 15, 2011.

16. What tools are available to educate our customers?

The ATC and the ISEP encourage all downtown permit holders including hotels to provide information about Indiana’s alcohol laws that will be most pertinent to patrons during their stay in Indianapolis. Please visit <http://www.in.gov/atc/index.htm> for more information.

17. Where can I find more information?

Please visit <http://www.in.gov/atc/index.htm> for more information.

General Questions Contact:

Indiana State Excise Police

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